IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.7516 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

FATESING CHHAGANBHAI BARIA (KOLI)

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7516 of 2004

MR UM SHASTRI for Petitioner No. 1

MR NAGESH SOD for Respondent Nos. 1-4

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 02/07/2004

ORAL JUDGEMENT

RULE. Mr.Nagesh Sood, learned A.G.P., is directed to accept notice of rule on behalf of respondents. With the consent of parties, the matter is taken up for final hearing today.

2. The petitioner have preferred the present petition under Article 226 of the Constitution of India for appropriate writ, direction and order directing the respondents to regularize the possession of the forest land of Survey No.699, situated at Village Devlikuva, Taluka Ghoghamba, Dist. Panchmahal and also for appropriate order or direction directing the respondents to consider the representation of the petitioner as per the Government Circular dated 06-10-1992 and further to direct the respondents to provide alternative site and also to ensure of livelihood in case if he is disturbed.

3. Mr.Shastri, learned advocate appearing on behalf of the petitioner, relies upon several orders passed in similar matters by this Court in Special Civil Application Nos.2227 of 2001, 7085 of 2002, 8486 of 1999 and 10539 of 1998,in which this Court has directed the respondents to consider the representation made by the petitioner pending before them.

4. Mr.Nagesh Sood, learned A.G.P., does not have any objection if the respondents are directed accordingly. At this stage, Mr.Shastri states that though the petitioner has already made representation, however, he would like to make a fresh representation with some further material.

5. Under the circumstances, considering the orders passed by this Court in similar matters, the following direction is issued :

> "The petitioners will make a representation / application to the concerned Collector for the purpose of granting benefit in accordance with the policy of the State Government within a period of 15 (fifteen) days from today. As and when such representation / application is made, the same shall be decided in accordance with law after hearing the petitioner. The concerned authority will consider and decide the same as aforesaid within a period of 02 (two) months from the date of receipt of such representation / application. Until such decision is taken and communicated to the petitioners, status quo as on today with regard to possession will be maintained."

6. Subject to aforesaid observations and directions, this petition is disposed of. Rule is made absolute to the aforesaid extent. There shall be no order as to costs. Direct service permitted.

Sd/-
[M.R.SHAH, J]

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'Bhavesh'